

APPROVED: Meeting No. 12-86

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 8-86

February 24, 1986

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 24, 1986, at 7:20 p.m. for the purpose of discussing litigation.

PRESENT

Mayor Steven Van Grack

Councilman James F. Coyle

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Helen Heneghan, City Attorney Paul Glasgow.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 7:55 p.m.

The Mayor and Council convened in General Session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 24, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Helen Heneghan, and City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Robinson reported the following:

1. The Mayor and Council and staff members met with representatives of the Hadid Investment Company, New Rockville Town Center Partners, to discuss the Hotel development last Friday morning. Several issues were discussed and an executive session should be called after tonight's general business to discuss the legal issues.

2. The staff and Mayor and Council met with members of Polinger Management Company to discuss the rental rates at Congressional Towers. There will be a follow up meeting.

3. Chief Jared Stout has received a certificate in recognition and appreciation of his chairing the County Executive's Defenders Program.

Mayor Van Grack noted that a meeting was held at the Holladay/Tyler Printing Company this week. Members of the Council and staff toured the facility. Efforts are being made by Holladay/Tyler to move the facility and the plan is to move Press 239 to Prince George's County this summer.

Mayor Van Grack added that he spoke to the second grade class at Mill Creek Elementary School this week. He exhibited the letters of appreciation sent by the young people.

Re: Appointments

Mayor Van Grack made the following appointments. They were confirmed by the Council:

Alternative Community Service Commission: Thomas Murphy - reappointed - 2 year term

Lousie Crews - reappointed - 2 year term

Rockville Housing Authority: Dona Houseal - appointed to fill unexpired term of J. Gegan - term expires 8/89

Sister City Task Force: Thomas H. Hassall - appointed - 2 year term
805 Nelson Street

Re: Presentation

Dan Hobbs, Assistant City Manager, was presented with a picture of the City Hall Mural in recognition of his service to the City and its citizens during the four and a half months he served as Acting City Manager.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

There being no citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of SWM
waiver - Dodge
Street/Veirs Mill
Road

This 0.33 acre site (previously the Good Will Center then a Boat Center, #9 Dodge Street) located on the southeast corner of Dodge Street and Veirs Mill Road is in the Cabin John Creek drainage area. Most of the runoff from this site will be conveyed by the enclosed storm drains and discharged into a tributary of Cabin John Creek near the Mount Vernon Regional SWM facility. The remaining runoff will be conveyed by enclosed storm drains and discharged to a second tributary of Cabin John Creek about 1,000 feet upstream of the Dawson Farm Park Regional SWM facility.

Since there are existing public SWM facilities that will help manage the runoff from the redeveloping site it is recommended that the City grant the on-site waiver request and accept a contribution toward the public SWM program for \$6,600 (0.33 gross acres at \$20,000).

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the on-site SWM waiver request for #9 Dodge Street was granted and a contribution of \$6,600 was accepted toward the public SWM program.

Re: Award of Contract:
Bid No. 43-86, Refuse
Trucks

As part of the Vehicle Replacement Program, Bid No. 43-86, was opened on January 14, 1986, at 3:00 p.m. The purpose of this bid is to provide vehicles for those units scheduled for replacement.

This bid was structured to enable a vendor to bid on the complete vehicle (chassis and body) or separate bids on the chassis and on the body.

There were no bids on the complete vehicle. The tabulation for the remaining bids will include the low bids shown first and progressing to the high bid for providing the chassis-only bids and then the body-only bids.

Chassis Only (2)

<u>Vendor</u>	<u>Base Bid</u>	<u>Total Bid</u>
1. Chesapeake Ford Truck Sales 8540 Pulaski Highway Baltimore, Maryland	\$31,953.00	\$63,906.00
2. Century Ford 718 Rockville Pike Rockville, Maryland	\$32,015.98	\$64,031.96
3. World of Ford Sales, Inc. P.O. Box 7068 Alexandria, Virginia 22307	\$32,585.00	\$65,170.00
4. District International Trucks 5000 Tuxedo Road Tuxedo, Maryland	\$32,671.00	\$65,342.00

Body Only (2)

<u>Vendor</u>	<u>Base Bid</u>	<u>Total Bid</u>
1. Waddle Truck Equipment, Inc. 3607 O'Donnell Street Baltimore, Maryland	\$14,860.00	\$29,720.00

2. Ingolds Hico, Inc. 442 North Franklin Street Bel Air, Maryland	\$15,775.00	\$31,550.00
3. Wilbar Truck Equipment, Inc. 8100 Alban Road Springfield, Virginia	\$16,222.00	\$32,144.00
4. Warner Fruehauf Trailer Co. Bush & Hamburg Streets Baltimore, Maryland	\$18,362.00	\$36,724.00

Staff recommends awards be made as follows:

- * Chesapeake Ford Truck Sales Inc., in the amount of \$63,906.00 for two chassis in accordance with specifications, and
- * Waddle Truck Equipment, Inc., in the amount of \$29,720.00 for two bodies in accordance with specifications.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Bid No. 43-86 for replacement of Refuse Trucks was approved as recommended by staff.

Re: Award of Contract:
Bid No. 45-86, Sub-
compact coupes

As part of the City's Vehicle Replacement Program, Bid No. 45-86 was opened on January 15, 1986, at 4:00 p.m. The purpose of this bid is to provide vehicles for those units scheduled for replacement.

The tabulation of each bid will include the low bids shown first and progressing to the high bid.

Sub-Compact Coupes

<u>Vendor</u>	<u>Base Bid</u>	<u>Total Bid</u>
1. Sport Chevrolet 3101 Automobile Boulevard Silver Spring, Maryland	\$ 5,549.00	\$ 27,745.00
2. J.K.J. Chevrolet 2000 Chain Bridge Road Vienna, Virginia 22180	\$ 5,563.00	\$ 27,815.00

Meeting No. 8-86

-6-

February 24, 1986

3. Century Ford 718 Rockville Pike Rockville, Maryland	\$ 6,334.12	\$ 31,670.60
4. World of Ford Sales 6129 Richmond Highway Alexandria, Virginia	\$ 6,384.00	\$ 32,920.00
5. Lanham Ford, Inc. 9020 Lanham-Severn Road Lanham, Maryland	\$ 6,487.50	\$ 32,437.50
6. Ourisman Dodge Inc. 5900 Richmond Highway Alexandria, Virginia	\$ 6,996.00	\$ 34,890.00

Staff recommends the award be made to Sport Chevrolet in the amount of \$27,745.00 for five vehicles in accordance with specifications.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Bid No. 45-86 for Replacement Vehicles, was awarded to Sport Chevrolet in the amount of \$27,745.00 for five vehicles in accordance with specifications, was approved by the Mayor and Council.

Re: Resolution: Bank
Account Signatures

Resolution No. 9-86

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Resolution No. 9-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing signatures for various city bank accounts, was adopted by the Mayor and Council.

Re: Introduction of
Ordinance: To grant
Text Amendment Appli-
cation, T-73-85, to
Amend Section 2-102
of Chapter 6, Zoning
Ordinance to increase
the membership of the
Planning Commission
from the present five
members to seven
members

On motion of Councilman Hartogensis, there was introduced upon the table,

an ordinance to grant Text Amendment Application, T-73-85, to amend Section 2-102 of Chapter 6, Zoning Ordinance to increase the membership of the Planning Commission from the present five members to seven member, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of
Ordinance: To amend
Section 2-203.(c)(6)
of Chapter 6 of the
Laws of Rockville,
entitled Zoning
Ordinance to Change
the method of filing
applications for the
Board of Appeals

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance to amend Section 2-203 (c)(6) of Chapter 6 of the "Laws of Rockville" entitled Zoning Ordinance, to change the method of filing applications for the Board of Appeals, said ordinance to lay over at least one week before final action is taken.

Re: Increase in contract
to J.E. Meintzer &
Sons for purchase of
regular and unleaded
gasoline

In February of 1985, the Mayor and Council awarded a contract to J. E. Meintzer and Sons based on an estimate of 40,000 gallons of regular fuel and 70,000 gallons of unleaded fuel. Based upon then current prices of \$.8317 per gallon regular and \$.8628 per gallon unleaded fuel, the award was made for \$93,664.

Several factors have combined to produce an overage in the contract amount. First, the quantities estimated above were less than the actual demand due to switching away from propane as a fuel.

Second, the actual gasoline cost was approximately \$.10 per gallon higher than the cost used in the award calculations, causing \$19,132 more to be expended than was allowed for in the calculations.

Third, the usage of gasoline is now projected to be some \$9,719 higher than can be accounted for by the switching from propane to gasoline.

These three factors will cause the total paid to J. E. Meintzer and Sons to be \$48,251 higher than approved in the original award.

Staff recommends that the Mayor and Council authorize the City Manager to increase the amount of the contract with J. E. Meintzer and sons for the period March 1, 1985 through February 28, 1986 for the purchase of regular and unleaded gasoline by \$48,251 to a total of \$141,915.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the City Manager was authorized to increase the amount of the contract with J. E. Meintzer as recommended by staff.

Re: Introduction of
Ordinance: To grant
Abandonment Applica-
tion, SCA-49-85,
Hershey Investment
Co., Applicant,
requesting the
abandonment of 9,682
square feet of land
on Church Street

On motion of Councilman Hartogensis, there was introduced upon the table an ordinance to grant Street Closing and Abandonment Application, SCA-49-85, Hershey Investment, Co., application requesting the abandonment of 9,682 square feet of land on Church Street, said ordinance to lay over at least one week before final action is taken.

Re: Renewal of
Cooperative Gas
Purchase with COG

In February 1985, the Mayor and Council awarded a contract to J. E.

Meintzer and Sons for the estimated quantities of regular and unleaded fuel projected to be used in the March 1, 1985 through February 28, 1986 period. This contract was under the auspices of Council of Governments Invitation of Bid #5136, which was issued for the acquisition of leaded and unleaded gasoline by Montgomery County on behalf of participating Council of Governments jurisdictions.

Staff recommends that the City make an award to J. E. Meintzer and Sons for one additional year under the terms of the Invitation for Bid for the purchase of regular and unleaded gasoline in an amount not to exceed \$144,164.00.

The most recent five month average price, inclusive of State of Maryland Road Use Tax (\$.1355/gallon), was \$.9355 gallon regular, and \$.9601 gallon unleaded. The estimated cost to the City inclusive of State of Maryland Road Use Tax for the next twelve months is:

Regular Gasoline:	72,000 gallons @ \$.9355 - \$67,356
Unleaded Gasoline:	80,000 gallons @ \$.9601 - \$76,808

On motion of Councilman Hartogensis, duly seconded and unanimously passed, J. E. Meintzer and Sons were awarded one additional year under the terms of the Invitation for Bid for the purchase of regular and unleaded gasoline in an amount not to exceed \$144,164.00.

Re: Land swap/acquisition
with Prudential
Insurance Company

Resolution No. 10-86

The Community Development office has negotiated with the Prudential Insurance Company of America for an agreement involving the sale and purchase of property at the northeast intersection of Gude Drive and Research Boulevard.

The City is the owner of a .549 acre tract of land severed from the Thomas Farm when right of way was purchased in 1983. This tract abuts an office complex presently being developed in stages by Prudential. Naturally,

Prudential would like to incorporate this small tract of land into its project.

The City must obtain a 743 square foot parcel of the Prudential property needed as right of way for Research Boulevard. A Right of Entry Agreement was obtained from Prudential to the subject 743 square feet in 1983. This was done so that construction would not be delayed and both parties would be given sufficient time to work out the details of the later sales and exchange agreement.

The following is an outline of the salient points of the Agreement:

1. Prudential shall pay the City the sum of \$55,210 at settlement is based upon the difference between the City's acquisition cost attributable to the .549 acre parcel (\$59,850) and the market value (\$4,648) of the Prudential property.
2. Prudential agrees to pay a special assessment for those portions of Gude Drive and Research Boulevard abutting the City property in the amount of \$88,429.85 plus interest. Prudential also waives all rights of appeal regarding the special assessment.
3. The City shall specify the date of settlement to be within ninety (90) days of the Mayor and Council's acceptance of this offer.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Resolution No. 10-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving land swap/acquisition with prudential, was adopted by the Mayor and Council.

Re: Introduction of
Ordinance: To amend
Chapter 10 of the
"Laws of Rockville"
to update the
Property Maintenance
Code

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance to amend Chapter 10 of the "Laws of Rockville" to update the Property Maintenance Code, said ordinance to lay over at least one week before final action is taken.

Re: Approval of Police
Consultant Plan

Councilman Duncan suggested that the Mayor and Council decide on the scope of services they wish the City Police to perform and ask the staff to draw up a request for proposal from that. It is his feeling that the Mayor and Council should decide where the City is now and how it can become a supplementary force and then pressure should be applied on Montgomery County to pick up the difference. Councilman Abrams agreed with Councilman Duncan. He said it is necessary that the Mayor and Council decide what it envisions the force to be as a first step. There is no way it can be studied until this level of service is decided.

Councilman Coyle suggested it is necessary to find out from the community what the need is for service and how to specifically identify those needs. Someone from the outside can help with that.

Councilman Hartogensis agreed that the force should be supplemental but the City should have the most efficient and best use of its money. A consultant could identify the inefficiencies. It would help in the Mayor and Council's decision if they could get something back from a professional and then the City could insist on its fair share from Montgomery County. The City Manager suggested that more time to study the matter would be helpful. He would like time to devise a work plan. First of all, an explanation must be made of "supplemental" and "efficient" and a consultant can show the City how that can be achieved. He asked for time to work with the Mayor and Council to accomplish this.

Mayor Van Grack said that a study would be most helpful to make a decision and in that way, directions could be defined. The Council agreed that deferring this item until a meeting can be held with the City Manager in work session would be most helpful. A date would be set later tonight. Councilman Coyle

suggested it be made clear that the Mayor and Council are reviewing the role of the City's force in a changing community. It is a very good department and it is time to update it. Councilman Duncan agreed but cautioned that the Mayor and Council must move forward in order to include their plans in this year's budget.

(At this time Councilman Hartogensis stepped out of the meeting)

Re: Adoption of
Ordinance: Mid Year
Appropriations

Ordinance No. 4-86

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Ordinance No. 4-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, for mid year appropriations, was adopted by the Mayor and Council.

(At this time Councilman Hartogensis returned to the meeting.)

Re: Approval of
Recreation & Park
Fees

The Mayor and Council discussed the fees and the Mayor suggested the rate of increase is higher to residents than non-residents and he is uncomfortable with that. He sees the facility is running at a loss but he does not like to see the Mayor and Council subsidize non-residents. Mr. Bayor explained the price is that low to keep the pool fee competitive with surrounding pools' fees. Councilman Abrams suggested that at sometime the accounting of the two facilities, pool and golf course, be considered together so that a loss at the pool could be subsidized by a profit at Red Gate.

On motion of Councilman Abrams, duly seconded and unanimously passed, the fees were approved.

Re: Decision and
Instructions to staff
re Annexation
Petition, X-98-85,
Red Gate Limited
Partnership, Appli-
cant, request to
enlarge the corporate
boundaries by adding
319,871 sq. ft. of
land, located at the
interchange of Shady
Grove Road & I-270,
and placing it in the
I-3, Industrial Zone

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to annex the property by contract and place it in the I-3 Zone.

Re: MML Award for
Excellence

Don Vandrey, Public Information Officer, briefed the Council on a submission for consideration for the Maryland Municipal League's Award of Excellence. The entry describes the cross training and self development program at the Water Treatment Plant.

On motion of Councilman Duncan, duly seconded and unanimously passed, the entry was approved.

Re: Review of City
Position on Carnivals

The Council discussed the idea of allowing carnivals in the City at length. Since at one time it was the sentiment of the community to exclude carnivals, the Council agreed that a public hearing would indicate if the mood of the community has changed.

On motion of Councilman Abrams, duly seconded and passed, Councilman Hartogensis voting nay, staff was instructed to draft appropriate language to set up the mechanism that would allow carnivals again in the community. The

City Attorney said he could be back in four to five weeks with some information for an April hearing that could have May implementation.

Re: Review of City
position on Air
Pollution Control

The City Attorney's office explained that there are four alternatives available to the City. First, the City could enact an Air Pollution Control ordinance. Second, the City could request Montgomery County to enforce the Montgomery County Air Quality Control Ordinance. Third, the City could work with the State Health and Mental Hygiene to enforce the State Air Quality law and regulations. Fourth, a combination of the above described procedures could be followed. The Mayor and Council agreed to proceed as they have been and make no change at this time. Material provided to the Mayor and Council this evening will be sent to the Science and Technology Task Force. If they see anything different in the material, and suggest a change, it can be brought back to the Mayor and Council. In the meantime, the City will continue its relationships with the other levels of government that deal with air pollution control.

Re: Resolution: Approval
of Red Barn Urban
Renewal plan

Resolution No. 11-86

On motion of Councilman Coyle, duly seconded and unanimously passed, Resolution No. 11-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving the Red Barn Urban Renewal Plan, was adopted by the Mayor and Council.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 1a-86, January 10, 1986, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 1-86, January 13, 1986, were approved as corrected.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 2-86, January 21, 1986, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 3-86, January 27, 1986, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Dr. Lindgren, re neighborhood complaint

Councilman Coyle suggested that the changes in the property maintenance code introduced this evening will increase the fine and this will be helpful since there are deteriorating conditions in several neighborhoods. He would like to see what level of enforcement the City is using now and he would like a report back on the type of complaints, the amount of fines and the level of monitoring. Councilman Abrams suggested when the information is received from the staff, it be sent to Dr. Lindgren since it may dictate a new level of participation.

2. R. E. Cannon, re parking problems

The Mayor suggested this be sent to the Traffic and Transportation Commission.

3. Mr. & Mrs. Silverman, re Monument Park

The Mayor asked that this be sent to the Recreation and Park Board.

4. State Department of Assessment & Taxation re Corporate Assessment Certification System

5. Joseph Kenary, Esquire, re solution to traffic problems

Councilman Abrams asked that the staff and the Traffic and Transportation Commission look at this suggestion.

6. Grandin Ave. neighbors, complimenting City Police

Mayor Van Grack noted it is a fine letter.

7. Richard Montgomery Task Force representatives, re thank you to Councilmen

Councilman Hartogensis said this was an excellent tour.

8. Jeff Weidenfeller, re thank you for recreation programs

9. Senator Shore, re Election Bills

Re: Information Items

The Mayor and Council noted the following items of information:

1. Planning Commission letter to Planning Area 4 (West End)
2. Memo re Cable Television contract modifications
3. Memo re King v. Mayor and Council
4. Memo from Traffic and Transportation Commission re truck parking in neighborhoods.
5. Letter complimenting city employees

Councilman Hartogensis said this was a nice letter.

6. Major project status report from Planning Department
7. Memo re Bryan property

Councilman Duncan said that the Mayor and Council is meeting on March 9 with the Historical Society after which they can discuss this further. Councilman Abrams asked that it be placed on the agenda for March 10.

8. Memo re Crabapple Replacement Program
9. Memo re Rockville Pike/SHA meeting

Councilman Coyle asked how the study is moving. He suggested the study should be moving along quickly. Councilman Abrams asked if the City requires the undergrounding of conduits on new Pike construction that could be activated whenever the utilities are placed underground. The City Manager said he will bring this information back to the Council.

10. Memo re Rt. 28/Avery Road intersection
11. Letters from Del. Forehand and Councilman Hanna to Dr. Cody, re R.M.

Councilman Abrams asked if there is any new information on representation on the task force looking at programs at Richard Montgomery. Mr. Hobbs said the request has been made to Dr. Sweeney and the City is awaiting an answer.

12. Memo on District Court parking

Councilman Duncan asked if the State is involved with the meeting. The City Clerk said that the State representatives are coming. Councilman Abrams suggested that the delegates from the 17th District be informed of the problems that can arise when the State is exempted from compliance with development rules.

13. Letter to support bill establishing Maryland Clean Air Fund

Re: New Business

1. Councilman Coyle suggested the staff look into the feasibility of placing a blinking light on Beall Avenue at Beall Elementary School before the STOP signs.

2. Councilman Coyle asked if the City is trying to take care of the pot holes. The City Manager said they are being patched however, some of the patching has been delayed by bad weather. At the same time, the City is notifying other jurisdictions when it is their responsibility.

The Mayor suggested the City look into the idea of the City repairing the pot holes and being reimbursed by the other agency.

3. Councilman Coyle suggested there be an update on the meeting with Polinger Company. Councilman Abrams said information was shared with the City on pricing and market studies; however, clarification has been asked for and a review of the policy of rent increases to long-term tenants with a creative approach. Councilman Coyle said it is his hope that Polinger will come back with good information quickly. He asked if there is something the City can do in the meantime. Councilman Abrams said the City should not expect a solution in two weeks, but the facts should be in in time for Budget deliberations. Councilman Coyle asked the City Manager to ask the Director of Community Resources to return to the Mayor and Council with some facts on problems tenants are having in the Towers paying their rent.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, on motion of Councilman Hartogensis, duly seconded and unanimously passed, the meeting was closed for executive session to confer with counsel and to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:13 p.m. to convene again in work session on Monday, March 3, 1986, at 7:30 p.m. or at the call of the Mayor.